



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37249-0435

BETSY L. CHILD
COMMISSIONER

PHIL BREDEN
GOVERNOR

Julia
cc: Jimmy
Stan

December 9, 2003

James L. Palmer, Jr.
Regional Administrator
United States Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

U.S. EPA REGION 4
OFFICE OF
REGIONAL ADMINISTRATOR
2003 DEC 10 A 7:04

Re: Clean Air Act – Tennessee Eight-Hour Ozone Attainment Designations

Dear Mr. Palmer:

Tennessee is in receipt of your December 4, 2003 letter declaring EPA's intent to name certain counties in Tennessee as nonattainment with a deferred effective date because of our participation in the Early Action Compact process. EPA's letter can be interpreted in different ways. Therefore we are requesting clarification of EPA's rationale in naming these counties to guide us in our next steps during the 120-day consultative process.

EPA named several counties that Tennessee did not recommend as nonattainment per my previous letters of July 14, 2003 and November 19, 2003. Those counties are: Marion, Union, Fayette, Tipton, Cheatham, Dickson, Robertson, Carter and Unicoi Counties.

Therefore, I would like to request EPA's specific rationale in making its determination of nonattainment for the above listed counties. It would be most helpful to us if we received this information no later than December 31, 2003.

This information is needed in order to have a productive consultation because our response would differ depending on the basis for EPA's action. Of particular interest is whether or not the information Tennessee submitted for these counties was rejected by EPA because the Agency chose the simple presumptive boundary approach.

If EPA simply determined that counties were to be listed as nonattainment solely because of their participation in the Early Action Compact process, it would help us if you would share the legal basis EPA is relying upon to make that declaration.

Tennessee looks forward to working with EPA as we move toward our shared goal of clean air. Technical inquiries of your staff should be directed to our air pollution control director, Barry R. Stephens.

Sincerely,



Betsy L. Child
Commissioner

Copy to: Tennessee Air Pollution Control Board members
Local Air Pollution Control Programs



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Air Pollution Control Division
9th Floor, L & C Annex, 401 Church Street
Nashville, Tennessee 37243-1531

February 12, 2004

J.I. Palmer, Jr.
Regional Administrator
US EPA, Region IV
Atlanta Federal Center, 12th Floor
61 Forsyth Street, SW
Atlanta, GA 30303

RE: Tennessee's Response to EPA's Eight-Hour Ozone Nonattainment Recommendations

Dear Mr. Palmer:

On December 4, 2003, EPA announced its intention to declare twenty-seven Tennessee counties as being nonattainment for the eight hour ozone NAAQS. The counties named in this letter did not match the list of counties that Tennessee recommended on July 14, 2003 with the supportive technical documentation provided on October 16, 2003 as amended on November 19, 2003.

Tennessee filed an initial response to the EPA December 3, 2003 letter on December 9, 2003. In that letter, we asked EPA to explain its rationale for including the additional counties that Tennessee did not name. Specifically, we asked if EPA was listing these counties simply because of their inclusion in an MSA with at least one nonattaining monitor or if they were included solely because of their participation in an Early Action Compact. We have not received a response to that letter. Absent EPA's response on this request, we would state that if it is EPA's intent to name a county as nonattainment simply because of its participation in an Early Action Compact, there is no legal basis for their inclusion. Tennessee took into account the factors of the March 28, 2000 boundary guidance factors in making its recommendations. It is not clear if EPA conducted a similar analysis for the counties in dispute.

Tennessee has prepared a comparative evaluation with the reasons why Tennessee feels that only the following amended list of counties should be declared to be nonattainment by EPA in the final area designations. Tennessee may submit additional documentation if needed or requested by EPA.

Area	EPA Recommended Nonattainment Counties (December 3, 2003)	Tennessee Final Amended Nonattainment Counties (February 12, 2004)	Tennessee Response to EPA's Recommended Counties
Chattanooga TN-GA	Hamilton, Marion and Meigs	Hamilton and Portions of Meigs*	Marion County does not contribute a significant amount of ozone forming emissions to the area. The county is relatively rural; 79.3% and represents only 6% is the total MSA population. Meigs County , entirely rural in it's population distribution has little population to contribute to the MSA (about 2% to the entire MSA). Similarly, there are virtually no stationary NOX or VOC sources in the county. For this reason only the area southwest of the Hiwassee River in Meigs County should be designated nonattainment.
Clarksville- Hopkinsville TN-KY	Montgomery		Montgomery County emissions are identified by EPA as significant, there is evidence that transport from areas in northern Kentucky and further north are contributing to ozone levels monitored in Kentucky. Additionally, the federal military installation, Fort Campbell, is located in this area and is suspected of being the single largest contributor to mobile source emissions. It is unclear at this time, how mobile emissions from this installation could be mitigated and therefore managed in a manner that would bring about attainment without federal acknowledgement and intervention.
Johnson City- Kingsport-	Carter, Hawkins,	Sullivan and Washington	Carter County represents only 2% of the NOX point source emissions in

Bristol, TN	Sullivan, Unicoi and Washington		<p>the area. Mobile source emissions for both NOX and VOC are also low in comparison to the other area counties. Hawkins County could be making a contribution to the ozone forming emissions; however, the electric generating facility in Hawkins County is subject to the NOX SIP call, and at minimum would be required to add low NOX burner controls thereby significantly reducing the impact to the area. Hawkins County also only represents 11% of the total MSA population with 61.4 % of the county being rural.</p> <p>Unicoi County is not making a significant contribution to the ozone forming emissions in the JC-K-B MSA area. Unicoi County represents less than one percent of the NOX point source emissions strength and about 3% of the mobile source NOX and VOC emissions.</p>
Knoxville	Anderson, Blount, Knox, Loudon, Jefferson, Sevier and Union	Anderson, Blount, Knox, Loudon, Sevier, Portions of Jefferson* and the GSMNP area*	<p>Union County, almost entirely rural with population only 3% of the total for the Knoxville MSA, has the lowest emissions strength of all the counties in the MSA with 3% or less of the total.</p> <p>Jefferson County represents less than one percent of the NOX point source emissions and about 7% of the VOC emissions with mobile source emissions of 12 and 8% respectively. These emissions are primarily located along or near the Hwy 11 and I 40 corridors through the county. For these reasons a partial county area extending from I 40 northward to include all of Jefferson County beyond the interstate should be designated nonattainment.</p> <p>GSMNP area is located across several counties in Tennessee and North Carolina. There are no industrial point sources of emissions in the park proper with an unknown portion of each counties respective mobile source contributions for NOX and VOC. Ozone monitoring within</p>

			the park at high elevation sites demonstrates a profound difference from those at lower elevations. The GSMNP is a federally controlled enclave within each of the two respective states. The area encompassed by the park boundaries in Tennessee and North Carolina should be designated with a separate nonattainment designation from the remaining nonattainment area in this MSA.
Memphis TN-AR-MS	Fayette, Shelby and Tipton	Shelby	Fayette County is entirely rural. Its population is only 3% of the MSA total. Point source emissions are less than one percent of NOX and 4% VOC for the area with 7 and 4% mobile source emissions respectively. Tipton County is a predominately rural county. Its population is only 5% of the MSA total. Point source emissions are 3 % for NOX and VOC with 5 % each for mobile source emissions respectively.
Nashville	Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson and Wilson	Davidson Rutherford, Sumner, Williamson and Wilson	Cheatham County is 93.2% rural with only 3% of the total MSA population. Point source emissions are 0 % for NOX and 3 %VOC with 4 and 3 % each for mobile source emissions respectively. Dickson County is relatively 68.8% rural with only 3% of the total MSA population. Point source emissions are 1 % for NOX and 7 %VOC with 5 and 4 % each for mobile source emissions respectively. Robertson County is relatively 57.8% rural with only 4.5% of the total MSA population. Point source emissions are 1 % for NOX and 6 %VOC with 8 and 5 % each for mobile source emissions respectively.

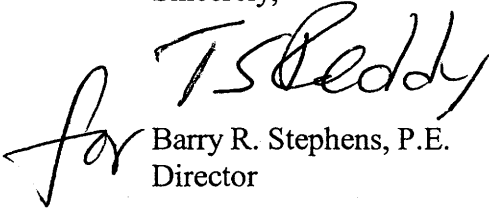
*See attached suggested boundary for the partial county areas identified above.

Mr. Palmer
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Please see Enclosure 1; Jefferson County for the partial county boundary recommendation, Enclosure 2; Meigs County for the partial county boundary recommendation and Enclosure 3; GSMNP for the boundary designation recommendation.

If EPA prefers, the Commissioner of the Department can provide a signed copy of this letter.

Sincerely,

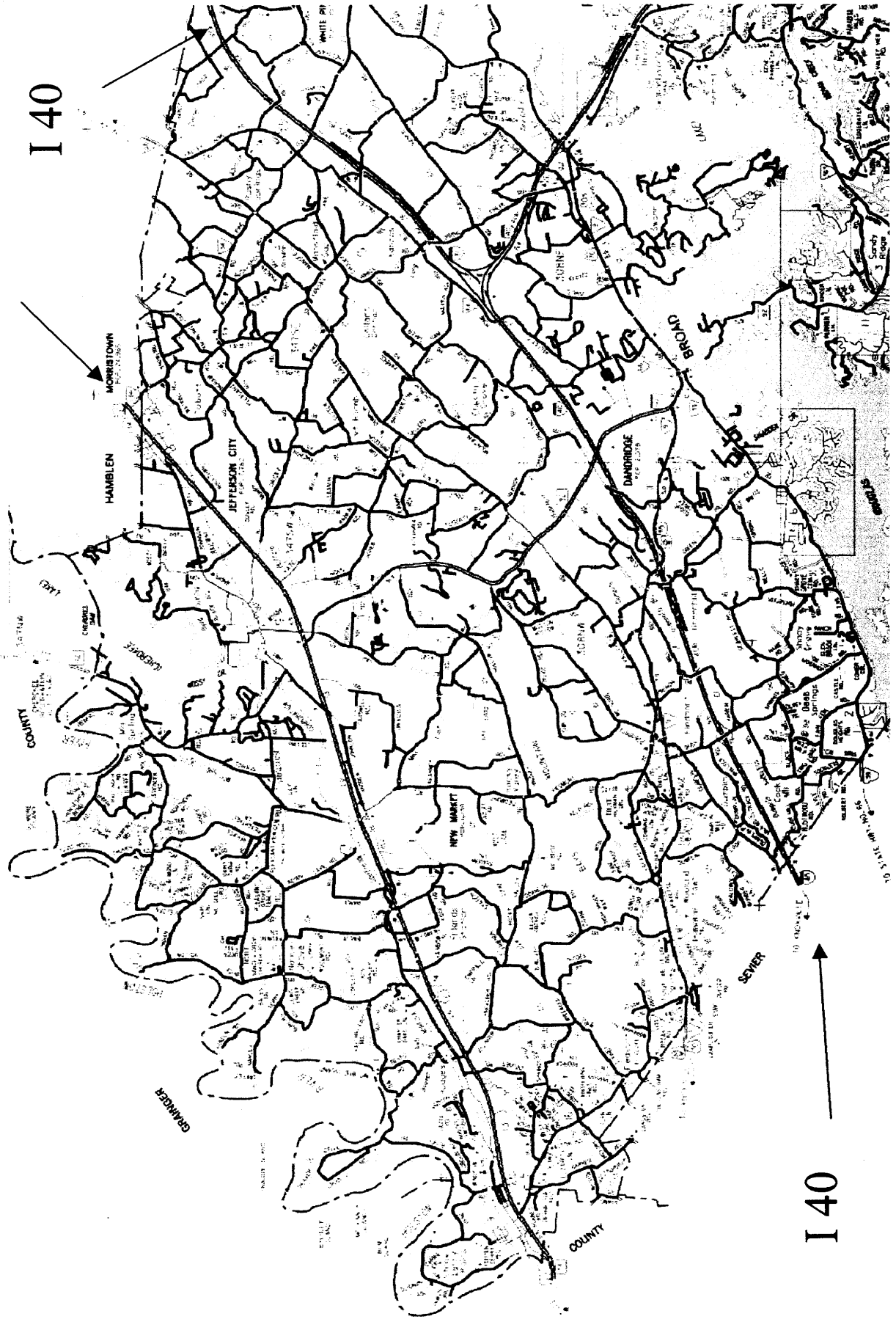

Barry R. Stephens, P.E.
Director

Enclosures

cc: Kay Prince

Partial Jefferson County Area Highway Boundary

Enclosure #1

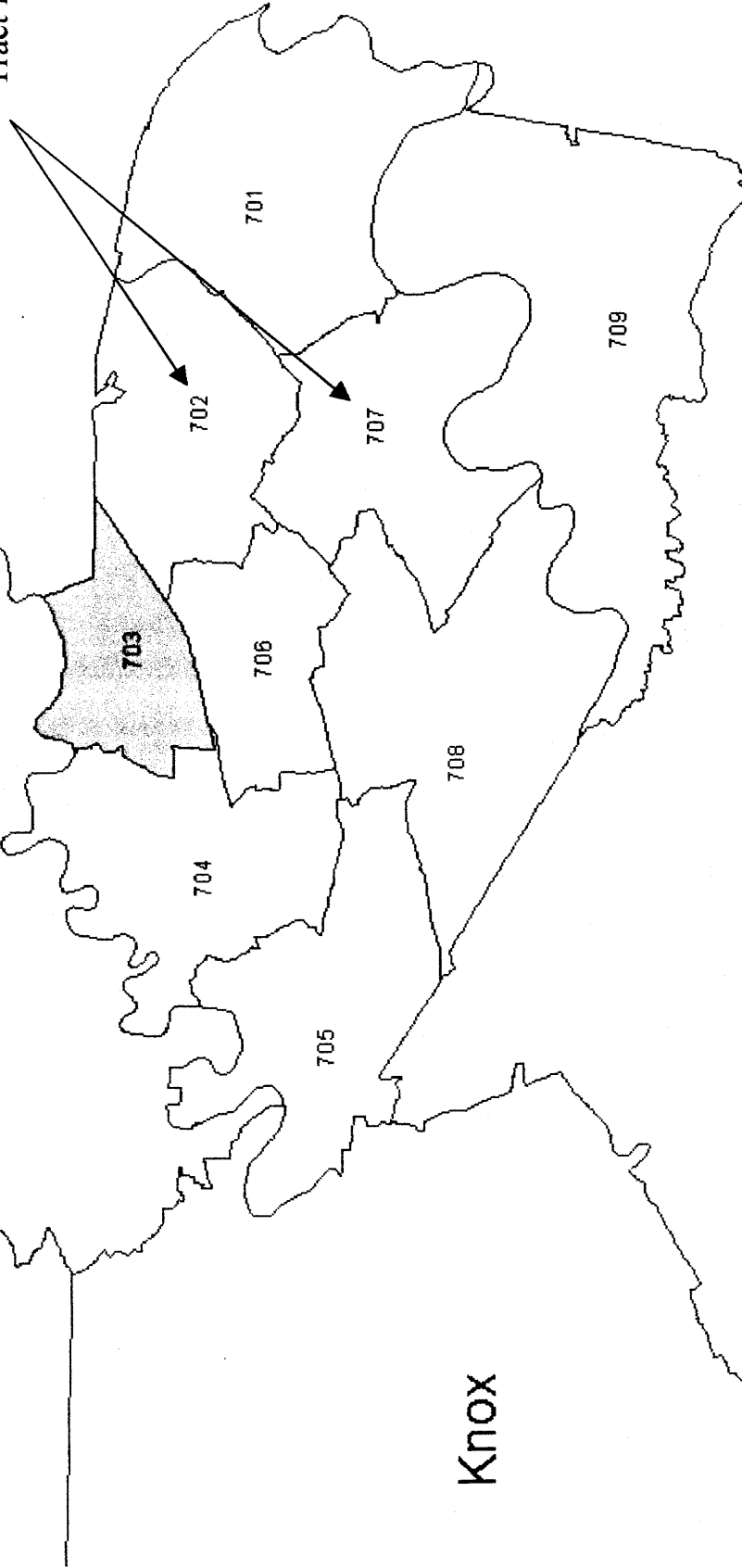


Enclosure #1

Population Density In Jefferson County

Grainger

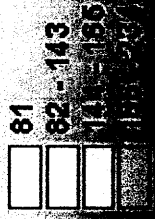
Tract ID #'s



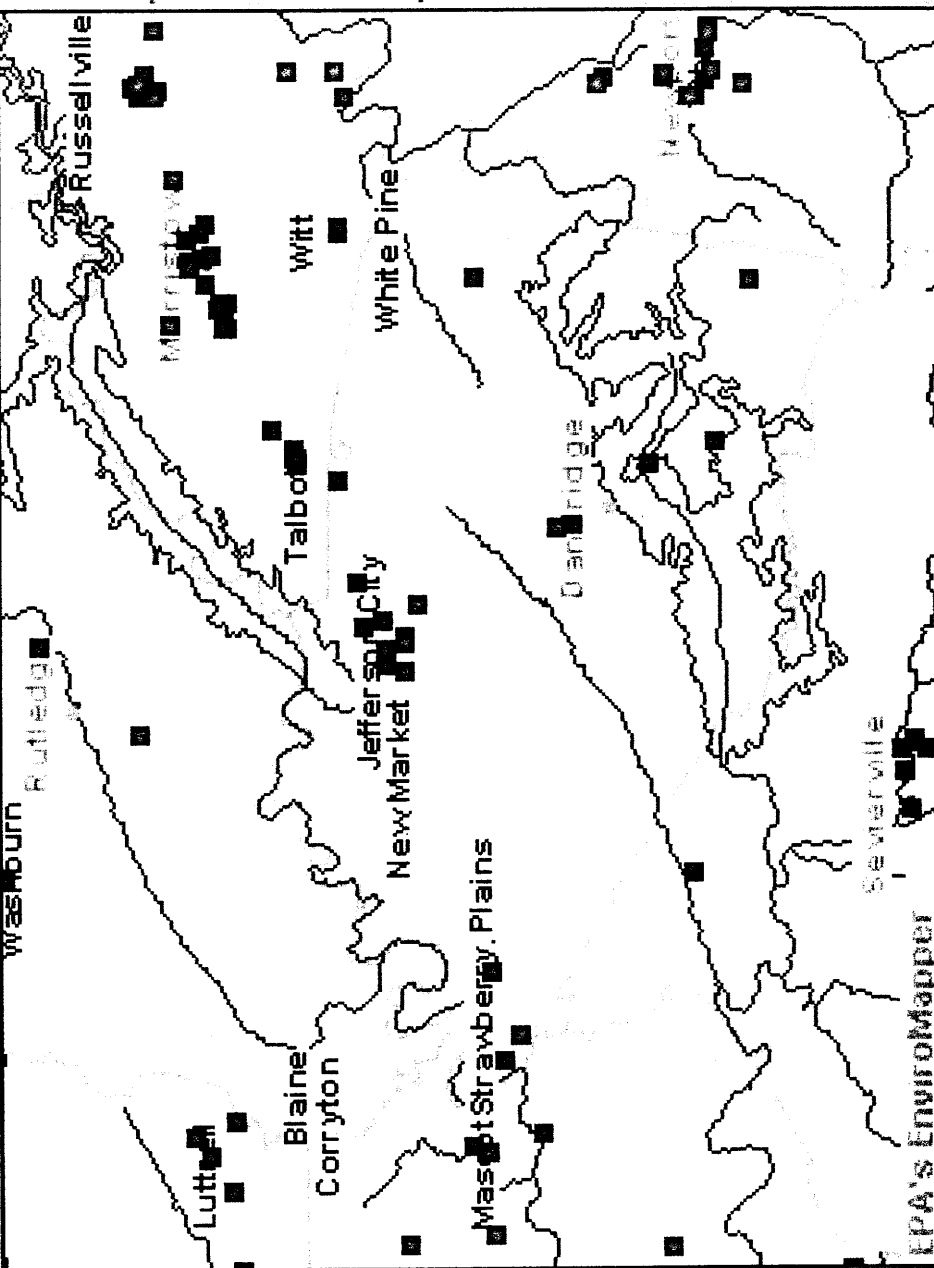
Knox

Sevier

Jefferson Tract ID's and Population Densi



Regional Sources Small and Large



Map Features

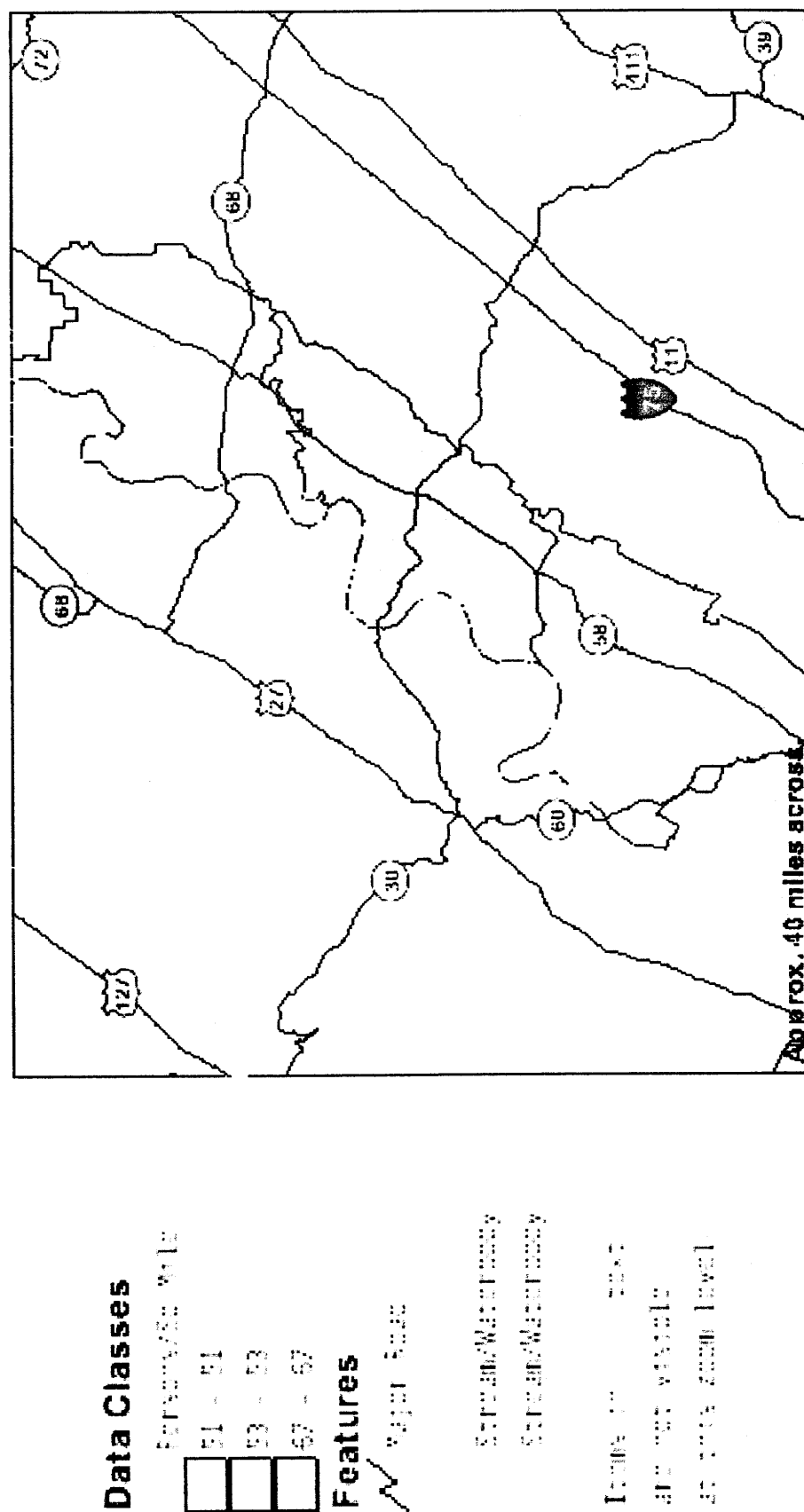
- ☒ [Water discharges](#)
- ☐ [Superfund](#)
- ☐ [Hazardous waste](#)
- ☐ [Toxic releases](#)
- ☒ [Air emissions](#)
- ☐ [BRS](#)
- ☐ [Multi-activities](#)
- ☐ [Major Roads](#)
- ☐ [Railroads](#)
- ☒ [Rivers](#)
- ☒ [Watersheds](#)
- ☐ [Federal Lands](#)
- ☒ [Counties](#)
- ☒ [States](#)

[Redraw Map](#)

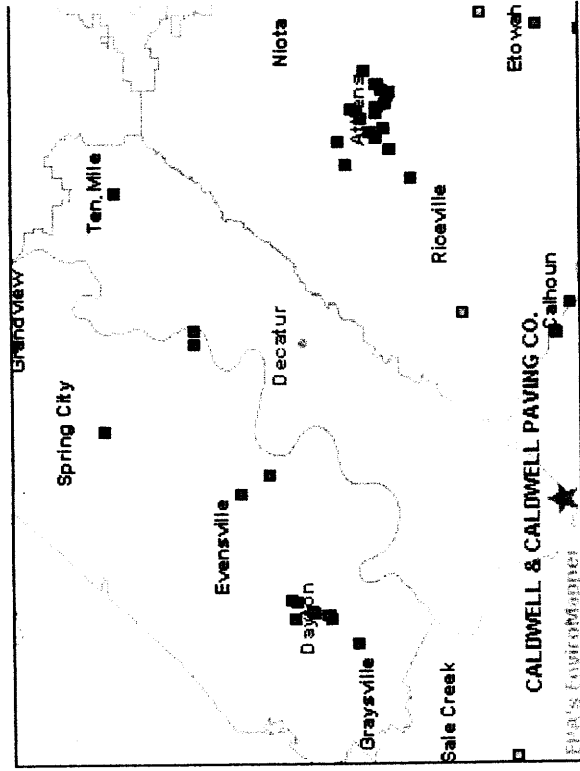
34.5 mi across. Tip: Click on the map or choose another option.

South West Meigs County Using River as Boundary

Population Density

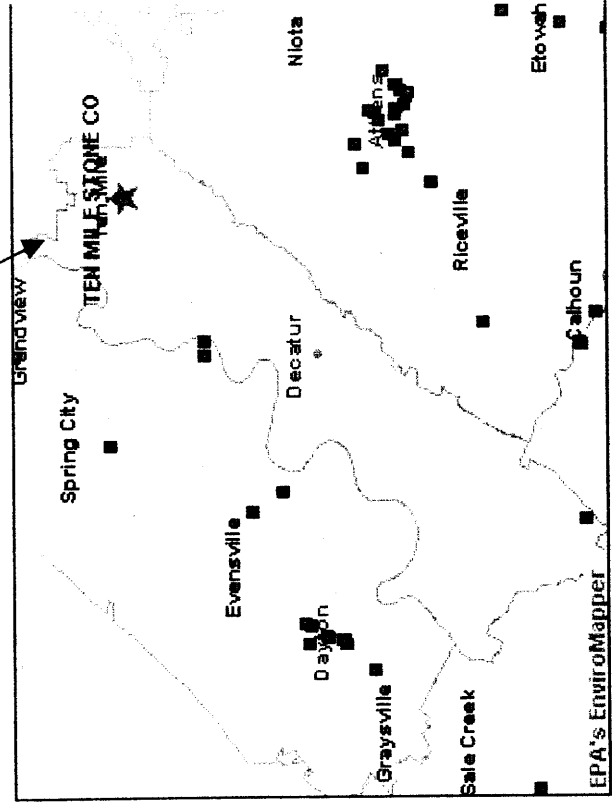


Tennessee Permitted Sources in Meigs Co.



Caldwell &
Caldwell Paving
Co.

Ten Mile
Stone Co.



Tennessee North Carolina GSMNP Ozone Nonattainment Area Boundary

